



Montana Department of  
**LABOR & INDUSTRY**

Steve Bullock, Governor  
Pam Bucy, Commissioner

EXHIBIT 5

DATE 2/9/2015

SB 104

Business Standards Division  
Todd Younkin, Administrator

January 20, 2015

RE: SB104 – Request for information from Senator Arntzen (R) SD26 on January 14, 2015

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING ALL LICENSEES FOR THE BOARD OF MASSAGE THERAPY TO MEET SIMILAR QUALIFICATIONS FOR LICENSURE; REMOVING THE GRANDFATHER STATUS OF CERTAIN LICENSEES; AMENDING SECTION 37-33-501, MCA; AND REPEALING SECTION 37-33-503, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 37-33-501, MCA, is amended to read:

**"37-33-501. License required – enjoining unlawful practice.** (1) ~~As of July 1, 2010, a A~~ person ~~who is not eligible for a license under 37-33-503~~ may not practice or purport to practice massage therapy without first obtaining a license under the provisions of 37-33-502.

(2) A person who is not licensed as a massage therapist under ~~37-33-503 or this section~~, whose license has been suspended or revoked, or whose license has lapsed and has not been revived may not use the words or letters "massage therapist", "licensed massage therapist", "L.M.T.", "masseur", or "masseuse" or any other letters, words, or insignia indicating or implying that the person is a licensed massage therapist or in any way, orally, in writing, or in print or by sign, directly or by implication, purport to be a massage therapist.

(3) A person who knowingly violates the provisions of this ~~subsection~~ section is guilty of a misdemeanor as provided in 37-33-504."

**NEW SECTION. Section 2. Repealer.** The following section of the Montana Code Annotated is repealed:

37-33-503. Initial licensure – grandfather clause.

1. Is the Board viable and are fees commensurate with costs?

Except for FY11 and FY14, the Board has been commensurate with its costs. The future planning for the board may require a fee increase in the next 2-5 years. Measures are in place to review the Board's revenues and expenses to plan for the increase if necessary.

Below you will find the 5 year expense/revenue details since the inception of the Board in FY10. The first license was issued on 6/25/2010.

| <b>Board of Massage Therapy</b>    |                 |                  |                  |                  |                  |                   |
|------------------------------------|-----------------|------------------|------------------|------------------|------------------|-------------------|
|                                    | <b>2010</b>     | <b>2011</b>      | <b>2012</b>      | <b>2013</b>      | <b>2014</b>      | <b>5yr Avg</b>    |
| 500000 Licenses & Permits          | 98180.00        | 84645.00         | 167855.00        | 144775.00        | 169592.00        | 133,009.40        |
| 510000 Taxes                       | 37.57           | 12.87            | 0.00             | 0.00             |                  | 12.61             |
| 520000 Charges For Services        | 0.00            | 280.00           | 280.00           | 370.00           | 898.02           | 365.60            |
| 540000 Fines/Forfeits              | 0.00            | 205.00           | 3960.00          | 9000.00          | 9240.00          | 4,481.00          |
| 550000 Sale Of Documents/Mdse/Prop | 0.00            | 0.00             | 405.00           | 610.00           | 890.00           | 381.00            |
| <b>Total Revenues</b>              | <b>98217.57</b> | <b>85142.87</b>  | <b>172500.00</b> | <b>154755.00</b> | <b>180620.02</b> | <b>138,247.09</b> |
| 61100 Salaries                     | 21649.33        | 56647.49         | 43791.63         | 55840.43         | 68584.97         | 49,302.77         |
| 61300 Other Compensation           | 2750.00         | 2200.00          | 1600.00          | 2100.00          | 3550.00          | 2,440.00          |
| 61400 Employee Benefits            | 7341.50         | 20633.90         | 15941.07         | 20462.90         | 25986.27         | 18,073.13         |
| 62100 Other Services               | 2521.16         | 7007.52          | 6978.44          | 8227.97          | 12512.32         | 7,449.48          |
| 62200 Supplies & Materials         | 1555.90         | 5583.90          | 1777.66          | 2458.90          | 4650.25          | 3,205.32          |
| 62300 Communications               | 1592.14         | 6130.08          | 3411.55          | 4656.84          | 7336.52          | 4,625.43          |
| 62400 Travel                       | 5739.57         | 1738.29          | 1109.94          | 1903.75          | 6741.93          | 3,446.70          |
| 62500 Rent                         | 264.32          | 4539.54          | 3774.31          | 3566.31          | 4998.28          | 3,428.55          |
| 62700 Repair & Maintenance         | 1.45            | 340.56           | 196.54           | 97.85            | 196.26           | 166.53            |
| 62800 Other Expenses               | 19514.92        | 18846.10         | 23617.52         | 22829.66         | 56678.81         | 28,297.40         |
| 68100 Fund Transfers               |                 |                  |                  |                  | 3334.55          | 3,334.55          |
| 69300 Capital Leases               |                 |                  |                  |                  | 144.38           | 144.38            |
| <b>Total Expenditures</b>          | <b>62930.29</b> | <b>123667.38</b> | <b>102198.66</b> | <b>122144.61</b> | <b>194714.54</b> | <b>121,131.10</b> |
| <b>Difference</b>                  | <b>35287.28</b> | <b>-38524.51</b> | <b>70301.34</b>  | <b>32610.39</b>  | <b>-14094.52</b> |                   |

2. How many Licensees does the board have and has the base increased or decreased?  
Total numbers for Licensees are presented for each FY. This is the total number of licensees at the end of each FY.

FY10 - 309  
FY11 - 1273  
FY12 - 1343  
FY13 - 1767

3. What are the demographics of the licensees?

A. Female vs. Male?

- a. Male: 163 licensees  
b. Female: 1494 licensees

B. Location?

- a. How many are located In-State: 1558

i. Highest population areas In-State:

| <u>Licensed<br/>Massage<br/>Therapist by<br/>County</u> |            |
|---|------------|
| <u>County</u>   | <u>Num</u> |
| BEAVERHEAD  | 9          |
| BIG HORN  | 7          |
| BLAINE  | 4          |
| BROADWATER  | 5          |
| CARBON  | 26         |
| CARTER  | 1          |
| CASCADE   | 108        |
| CHOUTEAU  | 3          |
| CUSTER  | 17         |
| DANIELS   | 10         |
| DAWSON  | 6          |
| DEER LODGE  | 8          |
| FALLON  | 8          |
| FERGUS  | 18         |
| FLATHEAD  | 129        |
| GALLATIN  | 253        |
| GARFIELD  | 6          |
| GLACIER   | 6          |
| GOLDEN<br>VALLEY  | 3          |
| GRANITE   | 5          |
| HILL  | 16         |
| JEFFERSON   | 66         |
| LAKE  | 37         |
| LEWIS AND<br>CLARK                                      | 89         |
| LIBERTY   | 3          |
| LINCOLN   | 26         |
| MADISON   | 11         |
| MCCONE  | 8          |
| MINERAL   | 30         |
| MISSOULA  | 171        |
| MUSSELSHELL   | 2          |
| PARK  | 63         |
| PETROLEUM   | 1          |

|                     |             |
|---------------------|-------------|
| PHILLIPS            | 7           |
| PONDERA             | 6           |
| POWDER<br>RIVER     | 5           |
| POWELL              | 5           |
| PRAIRIE             | 1           |
| RAVALLI             | 52          |
| RICHLAND            | 3           |
| ROOSEVELT           | 3           |
| ROSEBUD             | 8           |
| SANDERS             | 12          |
| SHERIDAN            | 2           |
| SILVER BOW          | 32          |
| STILLWATER          | 13          |
| SWEET GRASS         | 6           |
| TETON               | 5           |
| TOOLE               | 6           |
| VALLEY              | 8           |
| WHEATLAND           | 10          |
| YELLOWSTONE         | 216         |
| #N/A                | 2           |
| <b>Grand Total:</b> | <b>1557</b> |

b. How many are located out of State: 125

I hope I was able to provide sufficient information for you Senator Arntzen. If you need any additional information, please feel free to contact me below.

Jason Steffins, Executive Officer  
Montana Board of Massage Therapy  
Ph: 406-841-2329  
Email: [jsteffins@mt.gov](mailto:jsteffins@mt.gov)